

COMPARABLY EFFICIENT INTERCONNECTION PLAN FOR CRISIS ALERT MANAGEMENT SYSTEM FOR SBC COMMUNICATIONS INC.'S OPERATING COMPANIES

The following is the Comparably Efficient Interconnection (CEI) Plan for the Crisis Alert Management System (CAMS) provided by the Ameritech Operating Companies,¹ Nevada Bell Telephone Company, Pacific Bell Telephone Company, and Southwestern Bell Telephone, L.P. (collectively "SBC").

I. INTRODUCTION

SBC now offers CAMS. This CEI plan demonstrates how SBC will comply with each of the CEI parameters established by the Commission in Phase I of the Third Computer Inquiry² and as directed by the Common Carrier Bureau (Bureau).³

II. SERVICE DESCRIPTION

The CAMS is a notification system that will provide businesses and governmental agencies the ability to contact pre-designated persons through wireline and/or mobile telephones, numeric and/or alphanumeric pagers, email, PDAs, and computers. The service can and, in all likelihood, will be used for both emergency and non-emergency notifications. Users of the system will send contacts to pre-designated persons from either a computer via the Internet or by telephone over the public switched telephone network (PSTN). Customers control the identity of the persons contacted, the method of contact (*e.g.*, via telephone, email, pager, etc.), and the message itself by populating data in the Web/Application Server (Application Server). Messages can either be pre-

¹ Illinois Bell Telephone Company, Indiana Bell Telephone Company, Michigan Bell Telephone Company, The Ohio Bell Telephone Company, and Wisconsin Bell, Inc.

² *Amendment of Section 64.702 of the Commission's Rules and Regulations (Third Computer Inquiry); and Policy and Rules Concerning Rates for Competitive Common Carrier Services and Facilities Thereof; Communications Protocols Under Section 64.702 of the Commission's Rules and Regulations, Report and Order*, 104 FCC 2d 958, 1035-36, ¶ 147; and 1039-43, ¶¶ 154-66 (1986) (Phase I Order).

³ *Bell Operating Companies' Joint Petition for Waiver of Computer II Rules, Memorandum Opinion and Order*, 10 FCC Rcd 1724 (1995) (Bureau Order). The Common Carrier Bureau is now called the "Wireline Competition Bureau."

existing messages, already input into the database, or created at the time the customer is sending his or her notification. Moreover, the messages can either be text messages or voice recordings.

To access the service via computer, the customer uses the Internet and pulls up the customer's dedicated web page. At the web page, the customer makes the appropriate selections (*e.g.*, the person or persons to be contacted and the message to be sent) and sends the message out over the Internet. The message is delivered over the Internet to the Application Server, which in turn creates a telephone call with the data and sends it to the "telephony server" (Telephony Server), which initiates a second call to the designated persons' telephone, mobile phone, pager, fax, or computer through its connection to the PSTN.⁴ The called party in turn can acknowledge receipt of the message. That acknowledgement is carried back to the customer via the same path used to initiate the message.

To access the service via the telephone, the customer would dial the customer's own toll free number (*e.g.*, 1-800-NXX-XXXX); the call is routed over the PSTN to the data center switch; and, the switch sends the call to the Telephony Server,⁵ which in turn delivers the call to the Application Server. Through interaction with an IVR menu, the customer selects the message to be sent and the designated persons to whom the message should be sent. The customer could also record a new, non-text message. When the customer finishes making his or her selections, the Application Server initiates a second call, which in turn delivers the message to the appropriate people via their telephone, mobile phone, fax, pager, or computer. As in the case of the computer generated message, the called party can acknowledge receipt of the message.

⁴ To reach the designated person's computer, the Application Server would send a pre-determined email message over the Internet. There would be no "second call" generated by the Telephony Server, and the message would not involve either the telephone company switch or the PSTN.

⁵ The Telephony Server supports voice communication for IVR. All customers' touch-tone input will be sent by the Telephony Server to the Application Server for processing. When a customer calls in, the Telephony Server routes the call to the appropriate application based on the telephone number that was dialed. It also allows a customer to call into an IVR menu and select an application by entering a password. The Telephony Server will interact with the Application Server by sending and receiving HTTP 1.0 standard text codes containing IVR presentation information. The Telephony Server provides all voice-enabled outbound calls originated by the Application Server. The Telephony Server is used for all outbound telephony calls to all basic telephone devices, cell phones, and pagers.

Whether by computer or telephone, the system is designed to send notification to more than one device per called party. For example, should the primary notification be sent to a telephone and the called party does not answer, then the system will attempt to send the notification to the called party via a secondary means (*e.g.*, email, mobile phone, etc.) that has been predetermined by the customer and stored in the CAMS database. Should this fail, the CAMS reporting system indicates that the specific called party was not notified and the customer is free to take further steps (*e.g.*, make a personal visit to a residence).

III. CEI COMPLIANCE ISSUES

A. CEI Parameters

The Commission's nine CEI parameters are designed to ensure that the basic services used by a Bell operating company's (BOC) information service are equally available to other information service providers (ISPs).⁶ SBC demonstrates its compliance with each such parameter below.

1. Interface Functionality

As part of its CEI offering, a BOC must generally provide standardized hardware and software interfaces that support transmission, switching, and signaling functions equal to those utilized in its own information service offering, with information and technical specifications for such interfaces subject to the Commission's network information disclosure requirements.⁷ Each ISP will connect their facilities to SBC's network through existing standard line-side and trunk-side network interfaces, which have already been made available to the public via SBC's standard network disclosure procedures that comply with the Commission's network disclosure rules.⁸ No special interfaces, signaling, abbreviated dialing, or other unique capabilities will be provided by SBC to end users, to subscribing ISPs, or to other providers in support of the information service

⁶ Before the Telecommunications Act of 1996, ISPs were referred to as enhanced service providers. SBC will use the newer term throughout this CEI Plan.

⁷ *Phase I Order*, ¶ 157.

⁸ *Phase I Order*, ¶¶ 252-253; see 47 C.F.R. § 51.325 *et seq.*

offerings described in this plan. If such access arrangements are to be made available to SBC's subsidiaries, they will be made available to other ISPs at the same time, in the same jurisdiction, and on the same terms and conditions. SBC will abide by its prior commitments and provide advance notification to ISPs of new interfaces, and will provide prior notification (including "make/buy" disclosure) required by the network disclosure rules.⁹

2. Unbundling of Basic Services

To satisfy the CEI requirements, the basic services and basic service functions that underlie the carrier's information service offering must be unbundled from other basic service offerings and associated with a specific rate element in the CEI tariff.¹⁰ The following service will be used to provide the CAMS service to the customer: DS1. This telecommunications service will be available to end users of the CAMS and to end users of unaffiliated competing ISPs on an unbundled basis, at the same rates, and under the same terms and conditions, from state or federal tariffs in effect in all jurisdictions currently served by SBC.

In states where the SBC operating company does not presently provide interLATA service, end users will need to acquire any required interLATA services without SBC involvement.¹¹ Any additional interLATA basic services used to support the CAMS will be added to this CEI plan by way of an amendment before their use by SBC, as required by prior Commission rulings.

3. Resale

The *Phase I Order* requires a BOC's information service operations to take the basic services used in its information service offerings at their unbundled tariffed rates as a means of preventing improper cost-shifting to regulated operations and anti-competitive pricing in non-

⁹ *Id.*

¹⁰ *Id.*, ¶ 158.

¹¹ As of the original date of this posting, only Southwestern Bell Telephone, Pacific Bell Telephone Company, and Southern New England Telephone were providing interLATA services.

regulated markets.¹² The CAMS will be provided by obtaining underlying basic services at tariffed rates. The resulting information service will be provided on a non-regulated basis.

4. Technical Characteristics

SBC will provide the above-referenced basic services with technical characteristics that are equal to the technical characteristics the carrier uses for CAMS.

5. Installation, Maintenance, and Repair

The time periods for installation, maintenance, and repair of the basic services and facilities included in the CEI offering must be the same as those the carrier provides to its own information service operations.¹³ SBC prevents discrimination against any given customer or type of customer by employing internal methods that are sufficiently mechanized for installing, maintaining, and repairing all of its basic services. SBC's methods all are either random in nature or involve mechanized prioritization techniques.

6. End User Access

If a carrier offers end users the ability to use abbreviated dialing or signaling to activate or access the carrier's information offerings, it must provide, as part of its CEI offering, the same capabilities to end users of all information services that utilize the carrier's facilities. End users will access the CAMS via the same tariffed services that end users can use to access the competing services of other ISPs. No abbreviated dialing or signaling arrangements nor any special derived channel access arrangements are uniquely associated with SBC's offering.

7. CEI Availability

A carrier's CEI offering must be fully operational and available on the date that it offers its corresponding information service to the public. In addition, the carrier must provide a

¹² *Phase I Order*, ¶ 159.

¹³ *See Amendment of Sections 64.702 of the Commission's Rules and Regulations (Third Computer Inquiry); and Policy and Rules Concerning Rates for Competitive Common Carrier Services and Facilities Authorizations thereof, Communications Protocols under Section 64.702 of the Commission's Rules and Regulations, Memorandum Opinion and Order on Reconsideration*, 3 FCC Rcd. 1150, 1160, ¶ 161 (1988) (*Phase II Reconsideration Order*).

reasonable time during which prospective users of CEI, such as information service competitors, can utilize the CEI facilities and services for purpose of testing their information service offerings.¹⁴ The underlying basic SBC services utilized by SBC in the provision of its services, and by SBC in the provision of the CAMS, are currently offered under tariff in all jurisdictions served by SBC. Therefore, the underlying services are already available to any ISP on the same terms and conditions. In jurisdictions where access arrangements are not currently available, SBC will make testing capability available to such providers at the same time that such capability is available to itself.

8. Minimization of Transport Costs

In the *Phase I Order*, the Commission recognized that carriers may reduce or eliminate certain equipment and transmission costs by collocating or integrating information service facilities with their basic network facilities. Although the Commission did not impose mandatory collocation requirements on carriers subject to CEI, it did require such carriers to provide others with interconnection facilities that minimize such transmission costs. The Commission required that carriers demonstrate in their CEI plans what steps they would take to reduce transmission costs for competitors.¹⁵

The Commission clarified in the *Reconsideration Order* that while the requirement that transmission costs be minimized focuses on technological methods rather than pricing, it does not require a CEI offering that is substantially identical to existing services to be priced lower than those services simply for CEI purposes. Instead, the Commission encouraged the use of existing basic services in CEI in order to expedite initial CEI development.¹⁶ In the *Phase I*

¹⁴ *Id.*, ¶ 163; see also *Computer III Further Remand Proceedings: Bell Operating Company Provision of Enhanced Services; 1998 Biennial Regulatory Review – Review of Computer III and ONA Safeguards and Requirements, Report and Order*, 14 FCC Rcd 4289 ¶¶ 20-21 (1999) (*1998 Biennial Review Order*).

¹⁵ *Id.*, ¶ 164.

¹⁶ *Amendment of Sections 64.702 of the Commission's Rules and Regulations (Third Computer Inquiry); and Policy and Rules Concerning Rates for Competitive Common Carrier Services and Facilities Authorizations thereof, Communications Protocols under Section 64.702 of the Commission's Rules and Regulations, Memorandum Opinion and Order on Reconsideration*, 2 FCC Rcd 3035 n. 261 (1987) (*Phase I Reconsideration Order*).

Reconsideration Order, the Commission clarified that a carrier may satisfy this CEI requirement if it charges itself an access link rate that is the same as that paid by non-located ISPs, provided that the access connections in each case are equivalent in technical quality.¹⁷

Interconnection to all facilities used to provide the underlying basic services supporting the CAMS is offered under tariff, and is therefore made available at the same rates, and on the same terms and conditions, to both affiliated and non-affiliated providers of CAMS. As other configuration and serving arrangements are requested by end users or ISPs and/or become technically feasible, SBC will work in good faith with customers to develop and implement new techniques that minimize transport costs. Initially, SBC does not intend to collocate CAMS equipment with its basic network facilities. As CAMS expands, the CAMS equipment may be collocated with SBC's basic network facilities. Should this occur, SBC would comply with the Commission's pricing parity rules and any applicable nondiscrimination requirements.

9. Recipients of CEI

In the *Phase I Order*, the Commission stated that carriers should not restrict the availability of CEI to any particular class of customer or information service competitor.¹⁸ In the *Phase I Reconsideration Order*, the Commission clarified that customer use or user restrictions for state-tariffed basic services were permissible, but required carriers to provide an explanation of, and justification for, any such state-tariffed restrictions in their CEI plans.¹⁹ The availability of the underlying basic services required for CAMS will not be limited to any class of customer or service provider. All such services are available on a tariffed basis and will be accessible by all users for any lawful purpose. If any new arrangements are to be made available for the CAMS, they would be made available to other ISPs at the same time, in the same jurisdictions and on the same terms and conditions, and the Commission and the industry will be notified of them.

¹⁷ *Phase II Reconsideration Order*, ¶ 34.

¹⁸ *Phase I Order*, ¶ 165.

¹⁹ *Phase I Reconsideration Order*, ¶ 111, *aff'd.*, *Phase I Further Recon Order*, ¶¶ 63-77.

B. Other Nonstructural Safeguards

1. Allocation of Joint and Common Costs

In the *Joint Cost Order*,²⁰ the Commission adopted rules for the allocation of costs between regulated and non-regulated services provided by carriers subject to its jurisdiction. In the *Phase II Order*, the Commission required as part of its CEI requirements that the BOCs comply with those rules.²¹ SBC's cost allocation procedures for CAMS will be consistent with the Cost Allocation Manual (CAM) that is submitted to the Commission pursuant to the *Joint Cost Order*.²²

2. Customer Proprietary Network Information (CPNI)

In the *Phase II Order*, the Commission adopted CPNI requirements for the information service operations of the BOCs that require them to: (1) make CPNI available, upon customer request, to unaffiliated information service vendors on the same terms and conditions that are available to their own information services personnel; (2) limit their information service personnel from accessing a customer's CPNI, if the customer so requests; and (3) notify multi-line business customers annually of their CPNI rights. The Commission also required the BOCs to provide to unaffiliated information service vendors the same type of nonproprietary, aggregate CPNI that the BOCs provide to their own information service personnel. This information must be provided to unaffiliated vendors on the same terms and conditions that are available to the BOC's own information service operations.

²⁰ *Separation of costs of regulated telephone service from costs of non-regulated activities, Amendment of Part 31, the Uniform System of Accounts for Class A and Class B Telephone Companies to Provide for Non-regulated Activities and to Provide for Transactions between Telephone Companies and their Affiliates, Report and Order*, 2 FCC Rcd 1298 (1987) (*Joint Cost Order*), partially modified on reconsideration, *Order on Reconsideration*, 2 FCC Rcd 6283 (1987) (*Joint Cost Recon Order*).

²¹ *Amendment of Sections 64.702 of the Commission's Rules and Regulations (Third Computer Inquiry); and Policy and Rules Concerning Rates for Competitive Common Carrier Services and Facilities Authorizations thereof, Communications Protocols under Section 64.702 of the Commission's Rules and Regulations, Report and Order*, 2 FCC Rcd 3072 ¶ 72 (1987) (*Phase II Order*).

²² The SBC operating companies submit revised CAMs to the Commission annually. SBC is aware of and will abide by the Commission rules governing affiliate transactions.

In the Telecommunications Act of 1996, Congress enacted a statutory CPNI provision.²³ The Commission later determined that the competitive and privacy concerns upon which the *Computer III* CPNI framework rests were fully addressed by the Commission's new CPNI rules promulgated under section 222 of the Act, and that, continued retention of the Commission's *Computer III* CPNI framework would produce no additional benefit.²⁴ The Commission further ruled that, insofar as it eliminated the *Computer III* CPNI requirements, carriers' ONA and CEI plans would no longer have to address CPNI.²⁵ In the *U.S. West, Inc. v. FCC* case, however, the Tenth Circuit Court of Appeals vacated the *CPNI Order*.²⁶ At an open meeting held on July 16, 2002, the Commission announced that it would release an order affirming its finding that the Tenth Circuit decision vacated only the CPNI rules related to "opt in" and left intact the remainder of the CPNI rules, including those eliminating the *Computer III* CPNI requirements.²⁷

SBC will abide by the Commission's rules and requirements regarding the use of CPNI in all aspects.

3. Nondiscrimination Reporting

SBC will continue to abide by the Commission's existing nondiscrimination reporting rules, which require BOCs to file quarterly installation and maintenance and nondiscrimination reports.²⁸

4. Network Information Disclosure

²³ 47 U.S.C. § 222.

²⁴ *Implementation of the Telecommunications Act of 1996: Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information; Implementation of the Non-accounting Safeguards of Sections 271 and 272 of the Communications Act of 1934, as Amended, Second Report and Order and Further Notice of Proposed Rulemaking*, 13 FCC Rcd 8061 (1998) (CPNI Order).

²⁵ *Id.*

²⁶ 182 F.3d 1224 (10th Cir. 1999), *cert. denied sub. nom* Competition Policy Institute v. U.S. West, Inc., 530 U.S. 1213, 120 S.Ct. 2215, 147 L.Ed.2d 248 (2000).

²⁷ Federal Communications Commission News Release: "FCC Adopts Rules Resolving How Phone Companies Share and Market Customer Information" (July 16, 2002).

²⁸ *CC Docket No. 88-2, Phase I, Filing and Review of Open Network Architecture Plans, Memorandum Opinion and Order*, 5 FCC Rcd 3103 (1990), and, *Memorandum Opinion and Order on Reconsideration*, 5 FCC Rcd 3084 (1990).

The *Phase II Order* required the BOCs to disclose information about network changes or new network services that affect the interconnection of information services with the network at two points in time.²⁹ In 1999, the Commission promulgated the rules implementing the section 251(c)(5) of the Telecommunications Act of 1996 network disclosure requirements in the *Local Competition Second Report and Order*.³⁰ The section 251(c)(5) network disclosure requirements apply to all incumbent LECs, as the term is defined in section 251(h) of the Act.³¹ Under the Commission's regulations, incumbent LECs are required to disclose, at a minimum, "complete information about network design, technical standards and planned changes to the network."³² The requirements are triggered when an incumbent LEC makes a decision to implement a network change that affects "competing service providers' performance or ability to provide service; or otherwise affects the ability of the incumbent LEC's and a competing service provider's facilities or network to connect, to exchange information, or to use the information exchanged."³³ The timing requirements for public notice under section 251(c)(5) were adopted, with modifications, from the timing requirements for public notice under the *Computer III* regime.³⁴ Incumbent LECs must disclose planned network changes at the make/buy point,³⁵ but at least twelve months before implementation of the change.³⁶ If the planned changes can be implemented within six months of the make/buy point, then the public notice may be provided less than six months before implementation, so long as additional requirements set forth in section 51.333 of the Commission's rules are met. An incumbent LEC may fulfill its network disclosure obligations by filing a public notice with the Commission, or by providing public notice through

²⁹ *Phase II Order*, ¶¶ 107-112.

³⁰ *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, Second Report and Order and Memorandum Opinion and Order*, 11 FCC Rcd 19392, 19468-19508, ¶¶ 165-260 (Part IV) (1996) (*Local Competition Second Report and Order*).

³¹ See 47 U.S.C. § 251(h).

³² *Local Competition Second Report and Order*, ¶ 188.

³³ *Id.*, ¶ 182; see also 47 C.F.R. § 51.325.

³⁴ 47 C.F.R. § 51.331; *Local Competition Second Report and Order*, ¶ 216.

³⁵ See *Local Competition Second Report and Order*, ¶ 216 n.486.

³⁶ 47 C.F.R. § 51.331(a); *Local Competition Second Report and Order*, ¶¶ 214-215.

industry fora or publications, or on the incumbent LEC's own publicly accessible Internet sites.³⁷

As a result the Commission concluded that the section 251(c)(5) rules have rendered the *Computer III* network disclosure rules redundant.³⁸

The interconnection between the CAMS and the underlying basic services will be achieved through already existing, previously published standard network interfaces. Therefore, no change to existing network interface specifications is required, and no publications of any new interfaces is required. In the future, should interface specifications change, SBC will comply with the advance notice requirements described above.

5. Tariffs

The tariffs for the underlying basic services can be found at:

STATE	TARIFF	HYPERLINK
Arkansas	Megalink 1.5 High Capacity Digital Service	http://www.sbc.com/Large-Files/RIMS/Arkansas/Digital_Link/ar-dl-09.pdf
California	High Capacity Service (1.544 Mbps)	http://www.sbc.com/Large-Files/RIMS/California/Access/ca-ac-07.pdf
Illinois	DS1 Service	http://www.sbc.com/Large-Files/RIMS/Illinois/Tariff_No._19/il191503.pdf
Indiana	DS1 Service	http://www.sbc.com/Large-Files/RIMS/Indiana/Catalog/inct1503.pdf
Kansas	MegaLink 1.5 High Capacity Digital Service	http://www.sbc.com/Large-Files/RIMS/Kansas/Private_Line/ks-pl-02.pdf
Michigan	DS1 Service	Detariffed

³⁷ If an incumbent LEC chooses either of the latter two methods, it must also file a certification with the Commission that such public notice was given. 47 C.F.R. § 51.329(a)(2); *Local Competition Second Report and Order*, 11 FCC Rcd at 19483, ¶ 198.

³⁸ *1998 Biennial Review Order*, ¶ 45.

STATE	TARIFF	HYPERLINK
Missouri	MegaLink 1.5 High Capacity Digital Service	http://www.sbc.com/Large-Files/RIMS/Missouri/Digital_Link/mo-dl-04.pdf
Nevada	High Capacity (Hicap) Digital Service (1.544 Mbps)	http://www.sbc.com/Large-Files/RIMS/Nevada/Private_Line/nv-pl-05.pdf
Ohio	DS1 Service	http://www.sbc.com/Large-Files/RIMS/Ohio/Tariff_No._20/oh201503.pdf
Oklahoma	High Capacity (DS1)	http://www.sbc.com/Large-Files/RIMS/Oklahoma/Access/ok-ac-07.pdf
Texas	Megalink III - Wideband Digital Service 1.544 MBPS	http://www.sbc.com/Large-Files/RIMS/Texas/Digital/tx-dl-04.pdf
Wisconsin	DS1 Service	http://www.sbc.com/Large-Files/RIMS/Wisconsin/Tariff_No._20/wi201503.pdf